CALIFORNIA CONFERENCE OF LOCAL HEALTH OFFICERS

STERILIZATION, SANITATION, AND SAFETY STANDARDS FOR TATTOOING, PERMANENT COSMETICS AND BODY PIERCING

Submitted to the California Department of Health Services Pursuant to AB 186 JUNE 30 1998

I. Definitions

The following terms contained in this document shall have the following meaning:

- (a) **APPROVED** means acceptable to the Director of the local enforcement agency (LEA).
- (b) **BLOODBORNE PATHOGENS** means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV) and human immunodeficiency virus (HIV).
- (c) **BLOOD EXPOSURE INCIDENT** means piercing the skin through such events as needlesticks, cuts, and abrasions from material contaminated with blood from a client, or eye, mouth, other mucous membrane, or non-intact skin contact with blood or blood-contaminated material from a client
- (d) **BODY PIERCING** means the creation of an opening in the human body for the purpose of inserting jewelry or other decoration. This includes but is not limited to, piercing of an ear, lip, tongue, nose or eyebrow. Body piercing does not, for the purpose of these standards, include piercing the leading edge or earlobe of the ear with a sterile, disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.
- (e) **BODY PIERCER** means any person who is registered by the LEA to perform body piercing.
- (f) **CONTAMINATED** means the presence or reasonably anticipated presence of blood, body fluid or other potentially infectious materials in or on the surface if an item.
- (g) **CONTAMINATED WASTE** means any contaminated material used in tattooing, permanent cosmetics or body piercing that is to be disposed of.
- (h) **ENFORCEMENT OFFICER** means the Director or his/her designees of the LEA.
- (i) **EXPOSURE CONTROL PLAN** means a written plan, applying to all those who perform tattooing, application of permanent cosmetics, or body piercing within a facility, describing how the applicable requirements of this standard will be implemented. It is designed to eliminate or minimize employee and client exposure to bloodborne pathogens and other communicable diseases.

- (j) **FACILITY** means any room, shop, space or vehicle where tattooing, permanent cosmetics or body piercing is performed.
- (k) INSTRUMENT means tattooing, permanent cosmetics or body piercing equipment. Such equipment includes, but is not limited to needles, needle bars, needle tubes, forceps, hemostats, tweezers, pliers, or other implements used to insert pigment, pierce, puncture, or be inserted into any part of the human body for the intended purpose of making a tattoo or permanent hole. Such equipment also includes studs, hoops, rings, or other decorative jewelry, materials or apparatuses inserted into any part of the body for the intended purpose of placement in a hole resulting from piercing.
- (l) **LOCAL ENFORCEMENT AGENCY (LEA)** means the local department of health or environmental health responsible for enforcing these standards.
- (m) MINOR means any person under the age of 18 (eighteen) years.
- (n) **OWNER** means and includes every person having ownership, control or custody of any place of business or employment.
- (o) **PERMANENT COSMETICS** means the application of pigments to or under the skin of human a human being for the purpose of permanently changing the color or other appearance of the skin. This includes, but is not limited to, permanent eyeliner, eye shadow, or lip color.
- (p) **PERMANENT COSMETICS TECHNICIAN** means a person who is registered with the LEA to apply permanent cosmetics.
- (q) **PERMANENT HOLE** means a hole produced by piercing or puncturing any part of the body, with instruments intended to leave an opening in body tissue(s) into which an appropriate device or apparatus may be inserted. Permanent hole would include any body part newly pierced or punctured which is undergoing a healing process; and, any piercing whether or not removal of a device or apparatus from the perforation would result in fusing or healing of the tissue or skin structures.
- (r) **PERMIT** means written approval by the LEA to operate a tattoo, permanent cosmetics or body piercing facility. Approval is given in accordance with these standards, and is separate from any other licensing requirements that may exist within the local jurisdiction.
- (s) **PIERCING DEVICE** means any device used for the creation of an opening in the human body for the purpose of inserting jewelry or other decoration.
- (t) **PIERCING GUN** means a handheld tool that shall be used exclusively for piercing the ear, into which single use pre-sterilized studs and clutches are placed and inserted into the ear by hand squeezed or spring loaded action to create a permanent hole. The tool must be made of plastic, stainless steel or other material that is able to be disinfected.
- (u) **PROCEDURE AREA** means the immediate area where instruments and supplies are placed during a procedure.

- (v) **PURCHASED PRE-STERILIZED** means instruments or procedure setups that are sold individually packaged and sterilized. Each package shall have an auditable sterilization lot number from a sterilization facility.
- (w) **REGISTRATION** means the applicant has complied with all the requirements of the LEA and has received a Certificate of Registration.
- (x) **SANITIZATION** means effective bactericidal and virucidal treatment of clean equipment surfaces by a process that has been approved by the LEA as being effective in destroying pathogens. It is not the same as sterilization.
- (y) **STERILIZATION** means the destruction of all living organisms including spores.
- (z) **TATTOOING** means inserting pigment under the surface of the skin by pricking with a needle or otherwise, to permanently change the color or appearance of the skin or to produce an indelible mark or figure visible through the skin. This includes but is not limited to, eyeliner, lip color, camouflage, stencil designs and free hand designs.
- (aa) **TATTOOIST** means any person who is registered with the LEA to apply tattoos.
- (bb) **WORKSTATION** means an area that is set up to perform tattooing, permanent cosmetics or body piercing. A workstation can be a separate room or an area that can be screened to insure privacy when performing nipple, genital or other discretionary area tattooing or piercing.

II. Rights of the Enforcement Officer

Enforcement Officers are charged with the enforcement of all provisions of these standards, and all standards adopted pursuant to it. The Enforcement Officer may enter, inspect, impound, copy records, and secure any samples, photographs, or other evidence from any tattoo, permanent cosmetic or body piercing shop, or any facility suspected of being a tattoo, permanent cosmetic or body piercing shop, for the purpose of enforcing these standards.

III. Certificate Of Registration

No person shall perform tattooing, application of permanent cosmetics, or body piercing unless such a person is registered with the LEA to perform tattooing, permanent cosmetics, or body piercing. Upon completion of all the requirements of registration, the candidate will receive a Tattooist, Body Piercer, or Permanent Cosmetics Technician Certificate of Registration. A physician and surgeon licensed under Chapter 5 (commencing with sec. 2000 of Division 2) or a person engaged in the piercing of the leading edge or earlobe of the ears only is exempt from registration requirements.

IV. Registration Requirements and Procedures

Applicant must be at least eighteen (18) years of age at the time of application, and shall:

- (a) Obtain a copy of the LEA standards and commit to comply with the standards.
- (b) Complete all LEA application forms and pay required fees.
- (c) Provide the name and business address of the facility and the address at which the registrant will perform any activity covered by these standards.
- (d) Registration is not transferable from one person to another. The Certificate of Registration must be prominently displayed to the public, at the registrant's workstation, in every shop where the registrant practices.
- (e) A Certificate of Registration may be revoked at any time after due process. Registration may be suspended by the LEA, after failure to correct violations.
- (f) Notwithstanding the other provisions of these standards, if the Enforcement Officer or any other duly authorized representative finds any unsafe practices or unsanitary conditions in the operation of a tattoo. permanent cosmetic, or body piercing shop which constitute an imminent danger to the public health, the Enforcement Officer may serve an order upon the registrant, owner or manager citing such conditions and specifying the corrective action(s) to be taken within a period of fifteen (15) days or less as designated by the Enforcement Officer. Such order may state that the registrant's registration is immediately suspended and all tattooing, permanent cosmetics and/or body piercing procedures are to be discontinued forthwith and such tattoo, permanent cosmetic, or body piercing operations are to be closed. Any person to whom such an order is issued shall comply immediately. As promptly as possible thereafter and within fifteen (15) days, the Enforcement Officer shall provide such a person an opportunity to be heard.

V. Clients

- (a) No tattoo shall be applied to any person under eighteen (18) years of age, regardless of parental consent, except when authorized or prescribed by a physician's statement.
- (b) Persons under the age of eighteen (18) years of age may receive body piercing provided they are accompanied by their parent or guardian. The parent or guardian shall have valid picture identification. Nipple and genital piercing is prohibited on minors regardless of parental consent.
- (c) Before administering a tattoo or permanent cosmetic, the client must be advised that permanent cosmetics or any other tattoo should be considered permanent; that it can only be removed with a surgical procedure; and that any effective removal may leave scarring. Written information to this effect shall be included on the consent form to apply a tattoo.
- (d) Tattooing, permanent cosmetics, or body piercing shall not be performed on skin surfaces which have sunburn, rash, pimples, infection, open lesions, or manifest any evidence of unhealthful conditions.
- (e) Tattooing, permanent cosmetics and body piercing may not be performed on any person who is impaired by drugs or alcohol.

VI. Hepatitis B Vaccination

All registrants must either:

- (a) Document protection against hepatitis B in the form of:
 - (1) certification of completed vaccination or,
 - (2) laboratory evidence of immunity

or

(b) File a certificate of vaccination declination for HBV. The declination for vaccination shall be kept on file in the shop and made available during inspection.

VII. Facility Owner Responsibilities

The facility owner or operator of any tattoo, permanent cosmetic, or body piercing facility shall:

- (a) Allow the Enforcement Officer or any duly authorized representative, after proper identification, to enter during business hours, any tattoo, permanent cosmetic, or body piercing shop within his/her jurisdiction, to inspect, and make as many additional inspections or re-inspections as are necessary for the enforcement of these standards.
- (b) Be responsible for all facility registrants complying with all health, safety, sanitation and sterilization rules and standards of the LEA.
- (c) Require each individual within the facility providing tattooing, permanent cosmetics or body piercing services to be registered with the LEA.
- (d) Maintain a list of facility registrants providing services at the facility for review by the Enforcement Officer during inspections.
- (e) Develop and ensure compliance with the Exposure Control Plan as specified in <u>Section XI</u>. A copy of the plan must be available at all times for use and inspection.

VIII. Facility Requirements

- (a) All floors, walls and ceilings shall be made of smooth, nonabsorbent and nonporous material that is easily cleanable. Concrete blocks or other masonry used in wall construction shall be covered or made smooth and sealed for a washable surface.
 - (b) Adequate toilet facilities shall be provided in accordance with the specifications of the Uniform Plumbing Code and any other local ordinances. Hand sink must be located inside the restroom facility and shall be supplied with liquid hand cleanser and single use paper towels or other approved hand-drying device.
 - (c) The premises shall be constructed and maintained in a state of good repair at all times to prevent insect and rodent infestation.
 - (d) The establishment shall be well ventilated and be provided with an artificial light source equivalent to at least twenty (20) foot-candles.
 - (e) At least fifty (50) foot-candles of artificial light shall be provided at the level where the tattoo, permanent cosmetics or body piercing procedure is being performed.
 - (f) All surfaces, including but not limited to, counters, tables, equipment, chairs, recliners, shelving, cabinets in the service areas and cleaning room shall be made of smooth, non-absorbent, non-porous materials to allow for easy cleaning.
 - (g) Hand sinks with hot and cold running water operated by wrist or knee action shall be located in each work area. Hand sinks shall be supplied with liquid soap and single-use paper towels from sanitary dispensers. If there are two or more work stations within a room, all may share the hand sink. A work station in a separate room shall include a hand sink.
 - (h) The cleaning room or area shall have a separate sink reserved for instrument clean up activities only.
 - (i) Water supply shall be from an approved source.
 - (j) Sewage including liquid wastes shall be disposed of in a public sewer or,

in

absence thereof, in a manner approved by the LEA.

IX. Temporary and Mobile Facilities

- (a) Temporary facilities include those for educational or convention purposes. To the extent possible, they shall meet the facility requirements in Section At a minimum, they must include:
 - (1) Temporary handwash facilities and hand sanitizer located within each work or demonstration area. A temporary hand wash facility shall consist of liquid hand cleanser, single-use paper towels and warm potable water dispensed from an insulated container with a spigot that is raised a minimum of twenty-five (25) inches off the floor. Wastewater shall be collected in a bucket placed on the

- floor under the spigot. Warm potable water shall be replenished and wastewater removed as necessary.
- (2) At least fifty (50) foot-candles of light at the level where the procedure is being performed.
- (3) A separate cleaning and sterilization area must be provided for use by the participants that supplies an adequate number of sinks and LEA-approved sterilization units for cleaning and sterilizing equipment to be used during the event.
- (4) Only sterilization units approved by the LEA and used, cleaned and maintained according to manufacturer's instructions shall be utilized. All sterilization units used at the event shall have certification of a negative spore test on the sterilizer within the last 30 days.
- (b) Mobile units or vehicles must comply with the following requirements.
 - (1) The mobile vehicle shall be equipped with a sink for the exclusive use of the registrant for hand washing and preparing customers. An adequate supply of potable water shall be maintained at all times that the mobile shop is open for business.
 - (2) All liquid wastes shall be stored in an adequate storage tank with a capacity at least fifty percent (50%) greater than the capacity of the on-board potable water. Liquid wastes shall be disposed of at any approved trailer dumpsite.
 - (3) If there is not an on-board restroom, the mobile vehicle shall be operated within 200 feet of a public restroom.
 - (4) All procedures must be performed inside the mobile vehicle. No procedures shall be performed outside of the vehicle.

X. Housekeeping Standards

All tattoo, permanent cosmetic, and body piercing facilities shall meet the following criteria:

- (a) All areas shall be kept neat, clean and in good repair.
- (b) All surfaces and equipment (chairs, work stations, counters, client recliners or chairs, dispensers) in the procedure area shall be made of smooth, non-absorbent, non-porous material that can withstand repeated disinfection.
- (c) An Environmental Protection Agency (EPA) registered disinfectant or germicide (iodophor, phenolic, or alcohol containing germicide, or a 1:100 dilution of household bleach and water (two (2) tablespoons of bleach in one (1) quart of water)) shall be used after cleaning to disinfect any surface contaminated with blood or body fluids.
- (d) All facilities shall have the waiting area separated from the workstations and the cleaning room or area. A public restroom shall be available to clients during all business hours.

- (e) Tattooing, body piercing and permanent cosmetic activities shall be separated from nail and hair activities by a solid barrier in such a manner as to prevent contact with irritants including but not limited to hair spray and nail dust.
- (f) The cleaning room or area shall be set up in a manner to provide distinct, separate areas for cleaning equipment, and for the handling and storage of sterilized equipment. The cleaning area sink shall be reserved for instrument cleaning only and shall not be used as a janitorial sink.
- (g) Large capacity ultrasonic cleaning units shall be clearly labeled biohazardous and placed away from the sterilizer and workstations. All ultrasonic cleaners shall be cleaned and maintained according to manufacturer's specifications.
- (h) Adequate foot-operated receptacles shall be provided in each workstation for disposal of trash and debris.
- (i) Each work station shall have an LEA-approved sharps container that is rigid, puncture proof, leak proof and not red in color for disposal of sharp objects that come into contact with blood or body fluids.
- (j) The procedure area and client chair/table must be wiped down with an EPA registered disinfectant or germicide using a single-use paper towel before and after serving each client.
- (k) Immediately before a procedure, the procedure area must be wiped down with an EPA registered disinfectant or germicide using a single-use paper towel
- (l) All germicides and disinfectants must be used according to manufacturer's recommendations.
- (m) All chemicals shall be properly labeled and stored.
- (n) Pets or other animals shall not be permitted in the facility. Trained guide or assistance animals for the disabled and fish in aquariums in the waiting area are exempted.

XI. Exposure Control Plan

The owner of every tattoo, permanent cosmetics, and body piercing facility shall establish a written Exposure Control Plan applying to all those who perform tattooing, application of permanent cosmetics, or body piercing within a facility, describing how the applicable requirements of this standard will be implemented.

The Exposure Control Plan shall contain at least the following elements:

The method of implementation for each of the following applicable sections of these standards:

(V) Clients, (VIII) Facility Requirements, (X) Housekeeping Standards, (XIII) Approved Sterilization Equipment and Monitoring Methods, (XIV)

Instrument

Sterilization and Set-Up, (XV) Contaminated Wastes, (XVI) Tattooing,

(XVII) Permanent Cosmetics, and (XVIII) Body Piercing.

XII. Exposure Control Training Requirements

- (a) All persons registered with the LEA to perform tattooing, application of permanent cosmetics, or body piercing must receive exposure control training.
- (b) Training shall be completed within one year of the effective date of this standard and must be updated at least every three years thereafter. Additional training must be completed when changes such as modification of procedures or institution of new procedures affect the practitioner's or client's exposure. The additional training may be limited to addressing

the

- new exposures created.
- (c) Material appropriate in content and vocabulary to educational level, literacy, and language of trainees shall be used.
- (d) The training program shall contain, at a minimum, the following elements.
 - (1) An accessible copy of the these and other applicable standards and an explanation of their contents;
 - (2) A general explanation of the epidemiology and symptoms of bloodborne diseases and other exposures appropriate for the practice of the trainee;
 - (3) An explanation of the modes of transmission of bloodborne pathogens and other communicable diseases appropriate for the practice of the trainee;
 - (4) An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood for either the practitioner, the client, or both;
 - (5) An explanation of the use and limitations of methods that will prevent or reduce exposure to both the practitioner and the client:
 - (6) Information on the types, proper use, and removal of gloves and proper handwashing techniques;
 - (7) Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, and the benefits of being vaccinated;
 - (8) An explanation of what constitutes a blood exposure incident, the risk of disease transmission following a blood exposure incident, and the options for post-exposure evaluation and follow-up if an exposure incident occurs, specific to each bloodborne pathogen;
 - (9) An opportunity for interactive questions and answers with the person conducting the training session.
- (e) The person conducting the training shall be knowledgeable in the subject matter covered by the training program as it relates to the workplace that the training will address.

XIII. Approved Sterilization Equipment and Monitoring Methods

Instruments used in tattooing, permanent cosmetics, and body piercing shall be properly cleaned and packaged in sterilizer bags with a color change indicator and then sterilized in a sterilizer that meets the following requirements:

- (a) Is sold as sterilizing equipment for medical instruments.
- (b) Has been approved by the Department.
- (c) Is used, cleaned and maintained to manufacturer's specifications.
- (d) Is tested at least monthly (unless otherwise specified by manufacturer) by using a commercial biological monitoring (spore) system to assure that all microorganisms, including spores, have been destroyed. Biological indicator test results must be available for inspection at all times.

XIV. Instrument Sterilization and Set-Up

- (a) Contaminated non-disposable equipment including needles, needle bars, needle tubes, needle caps, body piercing tubes or other instruments that are contaminated shall be immersed in liquid in the cleaning area or room until cleaned and sterilized.
- (b) Before being sterilized, all instruments shall be thoroughly cleaned in an ultrasonic cleaner following manufacturer's instructions.
- (c) After cleaning, non-disposable instruments shall be packaged into procedure set-ups with color change indicators or packaged individually in peel-packs with color change indicators. All packages shall be dated and initialed by the preparer. If a sterilized package has been breached or allowed to get wet, the instrument(s) shall be re-packaged and re-sterilized before use.
- (d) After sterilization, the instruments shall be stored in a dry, clean cabinet or other tightly covered container reserved for storage of sterile instruments.
- (e) A record of sterilization procedures should be maintained.
- (f) Wearing new clean disposable examination gloves, the tattooist, permanent cosmetics technician, or body piercer shall use proper technique to assemble, without contamination, all instruments and supplies to be used in the procedure. All sterilized instruments shall remain in sterile packages until opened in front of the client. If a glove is pierced, torn or contaminated by contact with any non-clean surface, both gloves must be properly removed and discarded. The gloves shall be discarded after the completion of each procedure on an individual client, and hands shall be washed prior to donning the next pair of gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable examination gloves does not preclude or substitute for hand washing procedures as a part of a good personal hygiene program.

XV. Contaminated Wastes

Contaminated wastes generated by a tattoo, permanent cosmetics or body piercing facility shall be classified into two categories:

- (a) Contaminated sharps, which means any contaminated object that can penetrate the skin including, but not limited to, tattoo needles, permanent cosmetic needles, piercing needles and razors, shall be encapsulated and disposed of in the trash. Examples of acceptable encapsulation include filling the sharps container with plaster of paris or the use of commercial encapsulation systems.
- (b) Other contaminated waste, meaning waste other than contaminated sharps, which include contaminated gauze, wipes, tissues, unused dyes and inks, and other non-sharp(s) used in tattooing, permanent cosmetics, or body piercing, shall be double-bagged, securely tied and disposed of daily in a trash container that prevents unauthorized access. This material shall be disposed of in an approved site by a general trash hauler (licensed solid waste hauler).

XVI. Tattooing

- (a) Before the procedure is started, the tattooist shall discuss all the topics on the LEA-approved information form and the consent form for application of a tattoo. The client shall fill out and sign the forms. One copy of each form shall be retained by the shop; the other copy shall be given to the client. The tattooist must also explain all aftercare instructions and have the client initial the box on the consent form to indicate that he or she has received written aftercare instructions.
- (b) The tattooist shall not smoke, eat or drink at the workstation or cleaning room during or between procedures.
- (c) The tattooist shall thoroughly wash hands and forearms with soap and warm water before and after serving each client, to prevent cross contamination and/or transmission of body fluids, infections or exposure to service related chemicals or wastes. Following thorough washing, hands shall be dried using clean, single use paper towels.
- (d) The tattooist shall wear new clean disposable examination gloves for every client during the procedure. If a glove is pierced, torn or contaminated by coming into contact with any other person or non-clean surface, both gloves must be properly removed and discarded. Gloves shall be discarded after the completion of each procedure on an individual client, and hands shall be washed prior to donning a new pair of disposable examination gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable examination gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.
- (e) The tattooist shall use freshly laundered linens or new disposable drapes, lap cloths, or aprons for each client. All drapes, lap cloths, aprons and linens shall be stored in a closed cabinet or container. Used disposable items shall be placed into a closed container that is lined with a plastic bag

- for disposal at the end of the day. Used linens shall be placed into a laundry hamper lined with a plastic bag.
- (f) All substances used in the procedures shall be dispensed from containers in a manner to prevent contamination of the unused portion.
- (g) When a work station rinse cup is used alone or in an ultrasonic cleaner, the cup and solution must be changed after each client.
- (h) If spray bottles are used to dispense liquids, the liquid shall be sprayed onto a single-use wipe rather than directly onto the client.
- (i) Single-use ointment tubes, applicators and supplies shall be discarded after the tattoo procedure.
- (j) All pre-sterilized instruments to be used in the tattooing procedure shall be opened in front of the client.
- (k) The use of hectographic or single-service tissue stencils shall be required for applying a tattoo outline to the skin. The use of acetate or other multiuse stencils is prohibited.
- (l) When the design is drawn free hand, non-toxic markers or other devices shall be used.
- (m) Individual portions of inks, dyes or pigments in single-use containers shall be used for each client. Any remaining unused dye or pigment shall be discarded immediately following the tattoo procedure.
- (n) If inks, dyes or pigments are prepared by the tattooist only non toxic, non-contaminated materials shall be used.
- (o) Excess ink, dye or pigment applied to the skin during tattooing shall be removed with a clean single-use paper product.
- (p) Immediately, before the procedure is begun, the procedure area shall be wiped down with an EPA registered germicide or disinfectant or a solution of two (2) tablespoons of bleach in one (1) quart of water and the procedure area covered with an uncontaminated paper towel or tray cover. All instruments and supplies needed for the procedure shall then be arranged on the paper.
- (q) Before placing the design on the skin, the tattoo artist shall clean any area other than the face with germicidal soap, and if necessary, shave off any hair with a disposable, single-use safety razor, then apply the stencil. The area shall be cleaned during and after the procedure with an antimicrobial soap that has been applied with a single-use paper product. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used and discarded after each use, and the reusable holder shall be sterilized in an autoclave after each use. Following shaving, the skin and surrounding area shall be washed with an antimicrobial soap and water or an EPA-approved antiseptic solution applied with a clean, single-use paper product.
- (r) The stencil shall be applied with the antimicrobial soap or some other approved product dispensed from a container in a manner that does not contaminate the unused portion.
- (s) The tattooed area shall then be covered with clean gauze that is held in place with a suitable skin tape.

- (t) Upon completion of the procedure, aftercare instructions shall be reviewed with the client. Aftercare shall consist of both verbal and written instructions concerning proper care of the tattooed skin. Instructions shall specify:
 - (1) Responsibilities and care following the tattoo procedure.
 - (2) Possible side effects.
 - (3) Restrictions.
 - (4) Signs and symptoms of an infection.
 - (5) Instructions to call a physician if infection occurs.

XVII. Permanent Cosmetics

- (a) Before the procedure is started, the permanent cosmetics technician shall discuss all topics on the LEA-approved client information form and the consent form for the application of a permanent cosmetic procedure. The client shall fill out and sign the forms. One copy of each form shall be retained by the shop; the other copy shall be given to the client. The permanent cosmetics technician must also discuss all aftercare instructions and have the client initial the box on the consent form to indicate that he or she has received written aftercare instructions.
- (b) The permanent cosmetics technician shall not smoke, eat or drink at the work station or cleaning area during or between procedures.
- (c) The permanent cosmetics technician shall thoroughly wash hands and forearms with soap and warm water before and after serving each client, to prevent cross contamination and/or transmission of body fluids, infection or exposure to service related chemicals or wastes. Following thorough washing, the hands shall be dried using clean, single use paper towels.
- (d) The permanent cosmetics technician shall wear new clean disposable examination gloves for every client during the procedure. If a glove is pierced, torn or contaminated by coming into contact with any other person or non-clean surface, both gloves must be properly removed and discarded. Gloves shall be discarded after the completion of each procedure on an individual client, and hands shall be washed prior to donning a new pair of disposable examination gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable examination gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.
- (e) The permanent cosmetics technician shall use freshly laundered linens or new disposable drapes, lap cloths, or aprons for each client. All drapes, lap cloths, aprons and linens shall be stored in a closed cabinet or container. Used disposable items shall be placed into a closed container that is lined with a plastic bag for disposal at the end of the day. Used linens shall be placed into a laundry hamper lined with a plastic bag.

- (f) All substances, including but not limited to pigments and dyes, used in the procedures shall be dispensed from containers in a manner to prevent contamination of the unused portion.
- (g) If spray bottles are used to dispense liquids, the liquid shall be sprayed onto a single-use wipe rather than directly onto the client.
- (h) The permanent cosmetic technician shall not be required to have an ultrasonic cleaner and a hospital grade sterilizer if only individually packaged, sterile, single-use, needles, needle chambers machine tips, machine casings, and combo couplers are used. If any instruments are reused, they must be cleaned in an ultrasonic cleaner and sterilized in a hospital grade sterilizer.
- (i) If a manual device is used, it shall be single use and disposable. The device shall be sterilized before use, and discarded in a sharps container at the end of the procedure.
- (j) The use of some rotary pens (also called cosmetic machines) is permitted. Any rotary pen that uses a sponge at the opening of chamber to stop the pigment or body fluids from getting into the machine or is designed in a manner that doesn't allow it to be properly cleaned and sterilized shall not be permitted.
- (k) Only rotary pens that have detachable, disposable, sterile combo couplers and detachable, disposable or autoclavable casings that can be cleaned and sterilized can be used. Pre-sterilized needles shall be used in all procedures.
- (1) The use of any traditional coil machine shall be permitted providing the permanent cosmetic technician has a shop with an ultrasonic cleaner and hospital grade sterilizer to clean and sterilize the needles and needle bars, and the needle tubes.
- (m) Disposable sterile machine tips, combo couplers, needles, needle chambers, and casings shall not be re-used.
- (n) Fresh pigment and disposable pigment containers shall be used for each client. Used pigment and pigment containers shall be discarded after each client.
- (o) Immediately, before the procedure is begun, the procedure area shall be wiped down with an EPA registered germicide or disinfectant or a solution of two (2) tablespoons of bleach in one (1) quart of water and the procedure area covered with an uncontaminated paper towel or tray cover. All instruments and supplies needed for the procedure shall then be arranged on the paper.
- (p) Before application of permanent cosmetics, the immediate and surrounding area of the skin where the cosmetics are to be applied shall be washed with an antimicrobial soap and water or an EPA-approved antiseptic solution applied with a clean single-use paper product. If shaving is necessary, single-use disposable razors or safety razors with single service blades shall be used and discarded after each use and the reusable holder shall be sterilized in an autoclave after each use. following shaving, the skin and surrounding area shall be washed with an

- antimicrobial soap and water or an EPA-approved antiseptic solution applied with a clean single-use paper product.
- (q) All disposable items such as cotton balls, Q-tips, tissue, water cups, new or used that have come into contact with the procedure table/chair, or work area shall be discarded into a closed container lined with a plastic bag and removed at the end of the day.
- (r) After the procedure a thin coat of antibiotic cream or sterile petroleum jelly may be applied using a fresh Q-tip, cotton ball or sterile applicator.
- (s) Upon completion of the procedure, aftercare instructions shall be reviewed. Aftercare shall consist of both verbal and written instructions concerning proper care of the skin. The instructions shall specify:
 - (1) Responsibilities and care following a permanent cosmetic procedure.
 - (2) Possible side effects.
 - (3) Restrictions.
 - (4) Signs and symptoms of infection.
 - (5) Instructions to call a physician if infection occurs.

XVIII. Body Piercing

- (a) Before beginning any body piercing procedure, the body piercer shall discuss the risks and responsibilities required in the particular piercing with the client. The client shall fill out and sign a client information form and the consent form for body piercing. One copy of each form shall be retained by the facility and the other copy shall be given to the client. The body piercer must also explain aftercare instructions and have the client initial box on the consent form to indicate that he or she has received written aftercare instructions.
- (b) The body piercer shall not smoke, eat or drink at the work station or cleaning room during or between procedures. The client may consume a pre-packaged beverage or candy.
- (c) The body piercer shall thoroughly wash hands and forearms with soap and warm water before and after serving each client, to prevent cross contamination and/or transmission of body fluids, infection or exposure to service related chemicals or wastes. Following thorough washing, the hands shall be dried using clean, single use paper towels.
- (d) The body piercer shall wear new clean disposable examination gloves for every client during the procedure. If a glove is pierced, torn or contaminated by coming into contact with any other person or non-clean surface, both gloves must be properly removed and discarded. Gloves shall be discarded after the completion of each procedure on an individual client, and hands shall be washed prior to donning a new pair of disposable examination gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable examination gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.

- (e) The body piercer shall use freshly laundered linens or new disposable dental bibs or drapes for each client. All drapes, dental bibs, and linens shall be stored in a closed cabinet or container. Used disposable items shall be placed into a closed container that is lined with a plastic bag for disposal at the end of the day. Used linens shall be placed into a laundry hamper lined with a plastic bag.
- (f) All body piercing needles shall be single use, sterilized disposable piercing needles slightly larger or of the same gauge as the jewelry or ornaments to be inserted, and disposed of immediately after use in a sharps container.
- (g) All instruments, as defined in Section 2, shall be properly cleaned and sterilized in bags with color indicator strips. Each bag shall be dated and initialed by the person preparing the instruments.
- (h) All forceps, hemostats, tubes, etc. shall be properly cleaned and sterilized in individual bags using a Department approved sterilizer.
- (i) All non-sterilizable implements such as calipers shall be nonporous and disinfected after each use with an appropriate disinfectant.
- (j) Only pre-sterilized jewelry or ornaments in new or good condition shall be used for piercing. Ear studs or other jewelry designed for ears shall not be used in other parts of the body.
- (k) Only jewelry made of implant grade, ASTM and ISO 5832-1 implant grade stainless steel, solid 14K through 24K gold, niobium, titanium, platinum or other materials approved by the LEA shall be used in newly pierced skin.
- (l) Immediately, before the procedure is begun, the procedure area shall be wiped down with an EPA registered germicide or disinfectant or a solution of two (2) tablespoons of bleach in one (1) quart of water and the procedure area covered with an uncontaminated paper towel or tray cover. All instruments and supplies needed for the procedure shall then be arranged on the paper.
- (m) Before piercing, the immediate and surrounding area of the skin which is to be pierced shall be washed with an EPA-approved antiseptic solution applied with a clean, single-use paper product. If shaving is necessary, single-use, disposable razors, or safety razors with single-service blades shall be used and discarded after each use and the reusable holder shall be sterilized in an autoclave after each use. Following shaving, the skin and surrounding area shall be washed with an EPA-approved antiseptic solution applied with a clean single-use paper product.
- (n) Upon completion of the piercing, the body piercer shall review verbal and printed instructions to the client on the care of the body opening created by the piercing to minimize the likelihood of infection. Aftercare instructions shall specify:
 - (1) Care specific to the site of the piercing.
 - (2) Information regarding tightness to prevent accidental ingestion or imbedding of certain jewelry if appropriate.
 - (3) Restrictions.

- (4) Signs and symptoms of infection.
- (5) Instructions to consult a physician if infection occurs.

XIX. Cal/OSHA

Where tattooing, application of permanent cosmetics, or body piercing involves an employer-employee relationship, the Cal/OSHA Bloodborne Pathogens Standard, General Industry Safety Orders, Section 5193, Title 8, California Code of Regulations may apply. Nothing in these standards is intended to conflict with or preclude the application of or compliance with that standard.

XX. Severability

In the event any particular clause or section of these standards should be declared invalid or unconstitutional by any court of competent jurisdiction, the remaining portions shall remain in full force and effect. Toward that end, the provisions of these standards are declared to be severable.

PROPOSED DRAFT MODEL PROGRAM June 15, 1998

I. Rights of the Enforcement Officer

Enforcement Officers are charged with the enforcement of all provisions of these standards, and all standards adopted pursuant to it. The Enforcement Officer may enter, inspect, issue citations, impound, copy records, and secure any samples, photographs, or other evidence from any tattoo, permanent cosmetic or body piercing shop, or any facility suspected of being a tattoo, permanent cosmetic or body piercing shop, for the purpose of enforcing these standards.

II. Department Personnel Competency Requirement

The Enforcement Officer who enters a shop to inspect, issue citations, impound, copy records, secure samples, photographs, or other evidence from any tattoo, permanent cosmetic or body piercing shop, shall be a Public Health Nurse or maintain current State registration as Environmental Health Specialist (REHS) and have a minimum of the following training:

(a) A health and safety class with a curriculum that includes all of the sections included in the Hazard Control Plan.

(INSPECTOR SHOULD BE ABLE EVALUATE AND HELP THE OWNER ADJUST THE FACILITY'S HAZARD CONTROL PLAN IF NEEDED)

(b) Basic knowledge of vocabulary, instruments and equipment used in tattooing, permanent cosmetics, and body piercing.

III. Registration Procedures (See Sec. 6. for temporary Certificate

Applicant must be at least eighteen (18) years of age at the time of application, and shall:

- (g) Obtain a copy of the LEA standards and commit to comply with the standards.
- (h) Complete all Department application forms and pay fees.
- (i) Provide the name and business address of the facility and the address at which the registrant will perform any activity covered by these standards.
- (j) Provide proof of successful completion of an LEA approved health and safety class that has a curriculum that contains all of the sections of the Hazard Control Plan.
- (k) Pay a fee to the Department for a Certificate of Registration. The certificate shall expire three (3) years from the date of issuance.

- (l) Demonstrate by examination, knowledge of basic tattooing, permanent cosmetic and/or body piercing techniques, Universal Precautions, health and safety precautions, sanitation and sterilization techniques designed to prevent cross contamination. The minimum passing grade is 70%.
- (m) The LEA may grant a Certificate of Registration to an applicant, by reciprocal agreement with an outside agency or institution.
- (n) Registration is not transferable from one person to another. The Certificate of Registration must be prominently displayed to the public, at the registrant's workstation, in every shop where the registrant practices.
- (o) For renewal of registration, the registrant must provide proof of successful completion of a Department approved continuing education course. The registrant must complete at least one Department approved continuing education course during every three-year registration period. The preventing disease transmission class may be repeated.
- (p) A Certificate of Registration may be revoked at any time after due process. Registration may be suspended by the Department, after failure to correct violations on an official notice of violation, or failure to comply with the conditions set forth at an administrative hearing. If the registrant shows an inability or unwillingness to correct violations and comply with the standards of the Department, their Certificate of Registration may be revoked.
- (q) Notwithstanding the other provisions of these standards, if the Enforcement Officer or any other duly authorized representative finds any unsafe practices or unsanitary conditions in the operation of a tattoo, permanent cosmetic or body piercing shop, which constitute an imminent danger to the public health, the Enforcement Officer may serve an order upon the registrant, owner or manager citing such conditions and specify the corrective action to be taken, and a period of fifteen (15) days or less as designated by the Enforcement Officer wherein such action shall be taken. Such order may state the registrant's registration is immediately suspended and all tattooing and/or body piercing procedures are to be discontinued forthwith and such tattoo, permanent cosmetic or body piercing shop operations are to be closed. Any person to whom such an order is issued shall comply immediately. As promptly as possible thereafter and within fifteen (15) days, the Enforcement Officer shall provide such a person an opportunity to be heard.

IV. Temporary Certificate of Registration

- (a) A person may obtain a Temporary Certificate of Registration that allows the practice of tattooing, permanent cosmetics or body piercing in a permitted shop, convention, or educational function. A temporary Certificate of Registration is valid for no more than thirty (30) consecutive days in a ninety-day period.
- (b) Requirements for temporary registration

Applicant must be at least eighteen (18) years of age at the time of application and shall:

- (1) Obtain a copy of the Department's standards and commit to comply with the standards.
- (2) Complete application and pay fees to the Department.
- (3) Provide the name and address of the LEA approved facility or special event where registrant will be performing tattooing, permanent cosmetics or body piercing.
- (4) Pass a registration examination with a minimum grade of 70%.
- (5) Prominently display the Certificate of Registration at any workstation in which he/she practices.
- (c) A temporary Certificate of Registration may be revoked at any time if the Enforcement Officer finds any unsafe practices or unsanitary conditions in the operation of a tattoo, permanent cosmetics or piercing facility, which constitutes an imminent danger to public health. Any person to whom such an order is issued shall refrain from all tattooing or piercing procedures until all unsafe practices and conditions are corrected and the Enforcement Officer approves the shop to reopen.

V. Facility Permit Requirements

- (a) It shall be unlawful for any person to operate a tattoo, permanent cosmetics or piercing facility without first obtaining a permit from the LEA. A physician, performing tattoo or piercing procedures in the physician's office or clinic, is exempt from this requirement.
- (b) Only a person who complies with the requirements of these standards shall be entitled to receive and retain such a permit. Permits shall not be transferable from one person to another, from one place to another or from one vehicle to another. The permit must be prominently displayed to the public. The permit shall expire (1) one year from the date of issuance.
- (c) The following information will be required for the permit application:
 - (1) Name of applicant.
 - (2) Residence of applicant.
 - (3) If a partnership, the names and residence addresses of each of the partners.
 - (4) If a corporation, the names and addresses of a designated corporate officer and an onsite facility representative.
 - (5) The location of the proposed establishment, Department approved plans and scope of operation.
 - (6) A complete description of all tattoo, permanent cosmetics or piercing services to be provided.

VI. Temporary Facility Permit Requirements

- (a) Temporary Facility permit may be issued by the LEA for educational or convention purposes only. The LEA must inspect all permitted Temporary Facilities and a Permit delivered before any procedures can be performed. The Temporary Facility permit issued under the provisions of these standards may be suspended by the Enforcement Officer for failure of the holder to comply with the requirements of these standards.
- (b) Application for a temporary facility permit shall be made at least thirty (30) days prior to the event. The following information will be required:
 - (1) The name of the sponsoring party or organization.
 - (2) The purpose of the event.
 - (3) The location of the event.
 - (4) The period of time during which the permit will be needed [not to exceed thirty (30) days].
 - (5) A list of all tattooists, permanent cosmetic technicians and/or body piercers who will be demonstrating or practicing at the event.
 - (6) A floor plan that shows the following criteria will be met.
 - (A) Temporary hand wash facilities and hand sanitizer shall be located within each work or demonstration area. A temporary hand wash facility shall consist of liquid hand cleanser, single use paper towels and warm potable water dispensed from an insulated container with a spigot that is raised a minimum of twenty five (25) inches off the floor. Wastewater shall be collected in a bucket placed on the floor under the spigot. Warm potable water shall be replenished and wastewater removed as necessary.
 - (B) At least fifty (50) foot-candles of light at the level where the procedure is being performed.
 - (7) A separate cleaning and sterilization area must be provided for use by the participants that supplies an adequate number of sinks and LEA approved sterilization units for cleaning and sterilizing equipment to be used during the show. Sponsor shall have the option to hire a company to provide on site sterilization service, or to require exhibit.
 - (8) Only sterilization units approved by the LEA and used, cleaned and maintained according to manufacturer's instructions shall be utilized. All sterilization units used at the event shall have certification of a negative spore test on the sterilizer within the last 30 days.

VII. Client Records

The shop permit holder shall maintain proper records for each customer. The records shall include the following:

- (c) The date of the procedure.
- (d) Record of information on a picture identification showing name, age and current address of client.
- (e) The design and location of the tattoo, permanent cosmetics or body piercing.
- (f) The name and registration number of the tattooist, permanent cosmetic technician or body piercer.
- (g) Copy of the signed client information and consent form to perform the tattoo, permanent cosmetic or body piercing procedure.

The record of the procedure shall be kept for three years and shall be available for inspection by the Enforcement Officer.

VIII. Hepatitis B Vaccination

All registrants must either:

- (a) Document protection against hepatitis B. Such documentation against HBV shall be in the form of
 - (1) certification of completed vaccination or
 - (2) laboratory evidence of immunity

or

(b) File a certificate of vaccination declination for HBV. The declination for vaccination shall be kept on file in the shop and made available during inspection

IX. Facility Owner Responsibilities

The facility permit holder or operator of any tattoo, permanent cosmetic or body piercing facility shall:

- (a) Allow the Enforcement Officer or any duly authorized representative, after proper identification, to enter during business hours, any tattoo, permanent cosmetic or body piercing shop within his/her jurisdiction, to inspect, and make as many additional inspections or re-inspections as are necessary for the enforcement of these standards.
- (b) Be responsible for all facility registrants complying with all health, safety, sanitation and sterilization rules and standards of the LEA.
- (c) Require each individual within the facility providing tattooing, permanent cosmetics or body piercing services, to be registered with the LEA.
- (d) Maintain a list of facility registrants providing services at the facility for review by the Enforcement Officer during inspections.
- (e) Develop and ensure compliance with a Hazard Control Program as specified in Sec. 15. A copy of the program must be available at all times for use and inspection.

X. Construction Standards

(a) Plan Review

- (1) All new, or to be remodeled, tattoo, permanent cosmetic or body piercing shops shall require LEA approved plans prior to commencing work and in advance of the issuance of any building, plumbing or electrical permits.
- (2) Plans shall indicate the layout of the reception area, the procedure areas, the cleaning and sterilization area, the storage area and the toilet facilities.

All construction shall be done in accordance with all applicable codes, including but not limited to Uniform Building, Plumbing, and Electrical Codes, and all local fire and zoning ordinances.

(1) All violations found during the final construction inspection shall be corrected before opening for business.

(b) Facility Requirements

- (9) All floors, walls and ceilings shall be made of smooth, nonabsorbent and nonporous material that is easily cleanable.
 Concrete blocks or other masonry used in wall construction shall be covered or made smooth and sealed for a washable surface.
- (10) Adequate toilet facilities shall be provided in accordance with the specifications of the Uniform Plumbing Code and any other local ordinances. Hand sink must be located inside the restroom facility and shall be supplied with liquid hand cleanser and single use paper towels or other approved hand-drying device.
- (11) The walls and ceilings in the cleaning room or cleaning area and restrooms shall be light colored.
- (12) The premises shall be constructed and maintained in a state of good repair at all times to prevent insect and rodent infestation.
- (13) The establishment shall be well ventilated and be provided with an artificial light source equivalent to at least twenty (20) footcandles.
- (14) At least fifty- (50) foot-candles of artificial light shall be provided at the level where the tattoo or body piercing procedure is being performed.
- (15) All surfaces, including but not limited to, counters, tables, equipment, chairs, recliners, shelving, cabinets in the service areas and cleaning room shall be made of smooth, non-absorbent, non-porous materials to allow for easy cleaning.
- (16) Hand sinks with hot and cold running water operated by wrist or knee action shall be located in each procedure area. Hand sinks shall be supplied with liquid soap and single use paper towels from sanitary dispensers.
- (17) The cleaning room or area shall have a separate sink reserved for instrument clean up activities only.

- (18) In addition to adequate hand sinks and a cleaning area sink, the shop shall have a separate janitorial sink available for use by the facility.
- (19) Water supply shall be from an approved source.
- (20) Sewage including liquid wastes shall be disposed of in a public sewer or, in absence thereof, in a manner approved by the LEA.

XI. Tattoo, Permanent Cosmetics and Body Piercing Vehicles

In addition to complying with the requirements of construction standards of Sec. 12., the tattoo, permanent cosmetics or body piercing vehicle and the registrant working from said mobile facility shall comply with the following requirements:

- (a) Mobile vehicles that are not operated in association with a permanently located facility shall maintain on board ultrasonic cleaning units and sterilization equipment meeting all the requirements set forth in Sections 16. And 17. All equipment requiring sterilization shall be sterilized using the on board sterilization equipment. Purchased pre-sterilized instruments may be used.
- (b) Mobile vehicles operated in association with a permanently located facility, and without cleaning and sterilization equipment on board, shall have sufficient instruments and equipment to perform all procedure to be performed in one day.
- (c) The mobile vehicle shall be equipped with a sink for the exclusive use of the registrant for hand washing and preparing customers. An adequate supply of potable water shall be maintained at all times that the mobile shop is open for business.
- (d) All liquid wastes shall be stored in an adequate storage tank with a capacity at least fifty per-cent greater than the capacity of the on board potable water. Liquid wastes shall be disposed of at an any approved trailer dumpsite.
- (e) If there is not an on board restroom, the mobile vehicle shall be operated within 200 feet of a public restroom.
- (f) All procedures must be performed inside the mobile vehicle. No procedures shall be performed outside of the vehicle.

XII. Hazard Control Plan

Every tattoo, permanent cosmetics, and body piercing facility shall have a written Hazard Control Plan. The plan shall contain practices and procedures for safe shop operation, and shall include the following sections:

- (a) **Shop Plan:** Introduction and need, commitment to practice the plan, exposure control definitions, and required procedure schedule.
- (b) Occupational Exposure Control Plan: Exposure to viruses-HBV, HCV, HIV, modes of transmission, HCV vaccine post-exposure prophylaxis, exposure to tuberculosis and other communicable diseases, universal precautions, how to recognize activities that may involve exposure, and how to reduce or eliminate risk, housekeeping, exposure control informed consent forms.
- (c) **Personal Protective Equipment and Engineering Controls:** Vaccines, shop attire, laundry, face and eye protection, hand washing, gloves.
- (d) Client Protection and Care: Work station preparation, client preparation, considerations during the procedure, handling emergencies CPR, first aid, and client aftercare.
- (e) **Workstation and Cleaning Room Decontamination:** How to choose the proper disinfectant, how to clean between clients, how to care for and clean ultrasonic and sterilization equipment.
- (f) **Instrument Sterilization and Monitoring:** How to properly clean and sterilize instruments, use of color change indicator strips and biological monitoring.
- (g) **Record Keeping:** Forms required by LEA.
- (h) **Hazard Communication Program:** Written plan, training, understanding toxicology and chemical hazards, MSDS and labeling of chemicals used in the shop.
- (i) **Contaminated Waste Management:** Sharps, contaminated paper waste, work station containers, storage and toxic chemical criteria.
- (j) **Injury and Illness Prevention:** Practice commitment, written plan, safety controller, employee responsibilities, committee organization, accident control, accident investigation, first aid, emergency plan and location of egress.

XIII. Enforcement and Violations

- (a) Impoundment of Equipment, Instruments, Pigments.
 - (1) Any ready-to-use dye, ink, instrument, implement or found to be, or suspected of being toxic, unsanitary or contaminated, shall be impounded.
 - (2) Such impounded materials shall have an impound notice attached that can be removed only by the Enforcement Officer.
 - (3) No dyes, inks, instrument, implement or equipment shall be used unless the impoundment has been released.
 - (4) Within thirty (30) days, the Department shall commence proceedings to release the impounded materials or to seek administrative or legal remedy for its disposition.
- (b) Violation Of Article; Punishment

Any person who violates any provision of these standards is guilty of a misdemeanor. Each offense shall be punished by a fine or by imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment.

- (c) Violations By Employees; Separate Offense
 - (1) The owner, manager, or operator of any tattoo, permanent cosmetic, or body piercing shop is responsible for any violation by an employee of any provision of these standards.
 - (2) Each day the violation occurs shall be a separate and distinct offense
- (d) Violations In Shared Shops

A violation of any provision of these standards relating to establishments held in common or shared by more than one tattoo, permanent cosmetic, or body piercing shop shall be deemed in violation for which the owner, manager, or operator of each shop is responsible.

XIV. Permit Suspension, Revocation, Reinstatement

- (a) Notice To Comply
 - (1) Whenever the Enforcement Officer finds that a tattoo, permanent cosmetics or body piercing shop is not in compliance with the requirements of these standards, a written notice to comply shall be issued to the permit holder and/or registrant.
 - (2) If there is a failure to comply, the Enforcement Officer shall issue to the permit holder and/or the registrant, a notice of violations and inform him/her of the right to a hearing.
 - (3) A written request for a hearing shall be made by the permit holder or registrant within fifteen (15) calendar days after receipt of the notice. A failure to request a hearing within fifteen (15) calendar days after receipt of the notice shall be deemed a waiver of the right to a hearing. When circumstances warrant, the hearing officer may order a hearing at any reasonable time within this fifteen day period.
- (b) Hearing

The hearing shall be held within 15 calendar days of the receipt of a request for a hearing. Upon written request of the permit holder, the hearing officer may postpone any hearing date.

- (c) Duration
 - (1) Any permit may be suspended or revoked by the Enforcement Officer for a violation of these standards.
 - (2) Any tattoo, permanent cosmetic, or body piercing shop for which the permit has been suspended shall close and remain closed until the permit has been reinstated by the Department.
 - (3) Any person whose registration has been suspended or revoked shall refrain from performing any tattoo, permanent cosmetic, or

- body piercing services until their registration has been reinstated or reissued by the Department.
- (4) Any shop for which the permit has been revoked shall close and remain closed until a new permit has been issued.
- (d) Temporary Suspension as a Result of Imminent Public Health Threat
 - (1) Imminent danger to the public health and safety means any condition, based upon inspection findings or other evidence, that can cause infection, disease transmission, or hazardous conditions, including but not limited to, improper sterilization procedures, cross contamination of inks, dyes, instruments and implements with blood or body fluids, or improper sanitation that can cause disease transmission.
 - (2) If any imminent threat to the public health or safety is found, unless the threat is immediately corrected, the Enforcement Officer may temporarily suspend the permit and order the tattoo, permanent cosmetics or body piercing shop immediately closed.
 - (3) Whenever a permit or registration is suspended as a result of an imminent danger to the public health or safety, the Enforcement Officer shall issue to the permit holder or registrant, a notice setting forth the acts or omissions with which the person is charged, specifying the pertinent standard section, and informing the permit holder of the right to a hearing.
 - (4) At any time within 15 calendar days after the service of a notice pursuant to subdivision (B), the permit holder or registrant may request in writing a hearing before hearing officer to show cause why the suspension is not warranted. The hearing shall be held within 15 calendar days of receipt of the request for a hearing. A failure to request a hearing within 15 calendar days shall be deemed a waiver of the right to a hearing.

XV. Severability

In the event any particular clause or section of these standards should be declared invalid or unconstitutional by any court of competent jurisdiction, the remaining portions shall remain in full force and effect. Toward that end, the provisions of these standards are declared to be severable.